

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2025.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	April 9, 2003
DATE OF REPORT:	May 7, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 27, 2003

COMPLAINT ISSUES:

Whether the Madison Consolidated Schools and the Madison Area Educational Special Services Unit violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written; specifically, failing to provide speech therapy one time per week for 20 minutes.

511 IAC 7-25-6(a) by failing to conduct a reevaluation every thirty-six calendar months for a student receiving special education and related services.

FINDINGS OF FACT:

1. The Student is sixteen years old and attends the local high school ("the School"). The Student is eligible for special education and related services as a student with autism spectrum disorder.
2. The IEP requires speech and language services one time per week for 20 minutes. The speech pathologist acknowledges that there were many times during the first semester of the 2002-2003 school year when speech therapy was not held. Toward the end of that semester, an arrangement was made for the Student to come for therapy before the start of the school day.
3. The Complainant first requested a complete reevaluation of the Student on March 12, 1999. According to the Director of the Clinical and Special Services Department, the Student "was inadvertently left off" the December 1, 1998, child count submitted to the Division. Consequently, the Student's file was closed and the Student was left off the list of those who would be reevaluated in the fall of the 1999-2000 school year. The Complainant signed the Triennial Reevaluation Annual Case Review Planning Report on March 18, 2002, saying that no further evaluation was necessary at that time, other than the normal review of records and collection of parent and teacher responses. As a result of the Complainant's request of April 7, 2003, the school psychologist and occupational therapist are currently conducting evaluations.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to provide speech therapy to the Student, in accordance with the requirement of the IEP, for at least most of the first semester of the 2002-2003 school year. Therefore, 511 IAC 7-27-7(a) has been violated.

2. Finding of Fact #3 indicates that the Student was not counted in the December 1, 1998, child count submitted to the Division, and was therefore not reevaluated the following school year. Therefore, 511 IAC 7-25-6(a) has been violated. However, the School has initiated its own corrective action by responding to the April 7, 2003, request for a reevaluation.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Madison Consolidated Schools and the Madison Area Educational Special Services Unit shall:

1. convene a case conference committee (CCC) to determine whether and to what extent compensatory services shall be provided to the Student regarding speech therapy. The purpose would be to bring the Student up to the proficiency level where the Student would be if no speech therapy sessions had been missed in the last two school years. **A copy of the CCC report, the portion of the IEP that addresses compensatory services, and a timeline that describes when and how these services will be provided, if they are deemed necessary, shall be sent to the Division no later than May 23, 2003.**
2. send an assurance statement to the Division which clearly states that student evaluations or reevaluations will be conducted on a timely basis in accordance with Article 7, and that these students will be checked against the child count to be prepared for the Division. **A copy of the assurance statement shall be sent to the Division no later than May 23, 2003.**